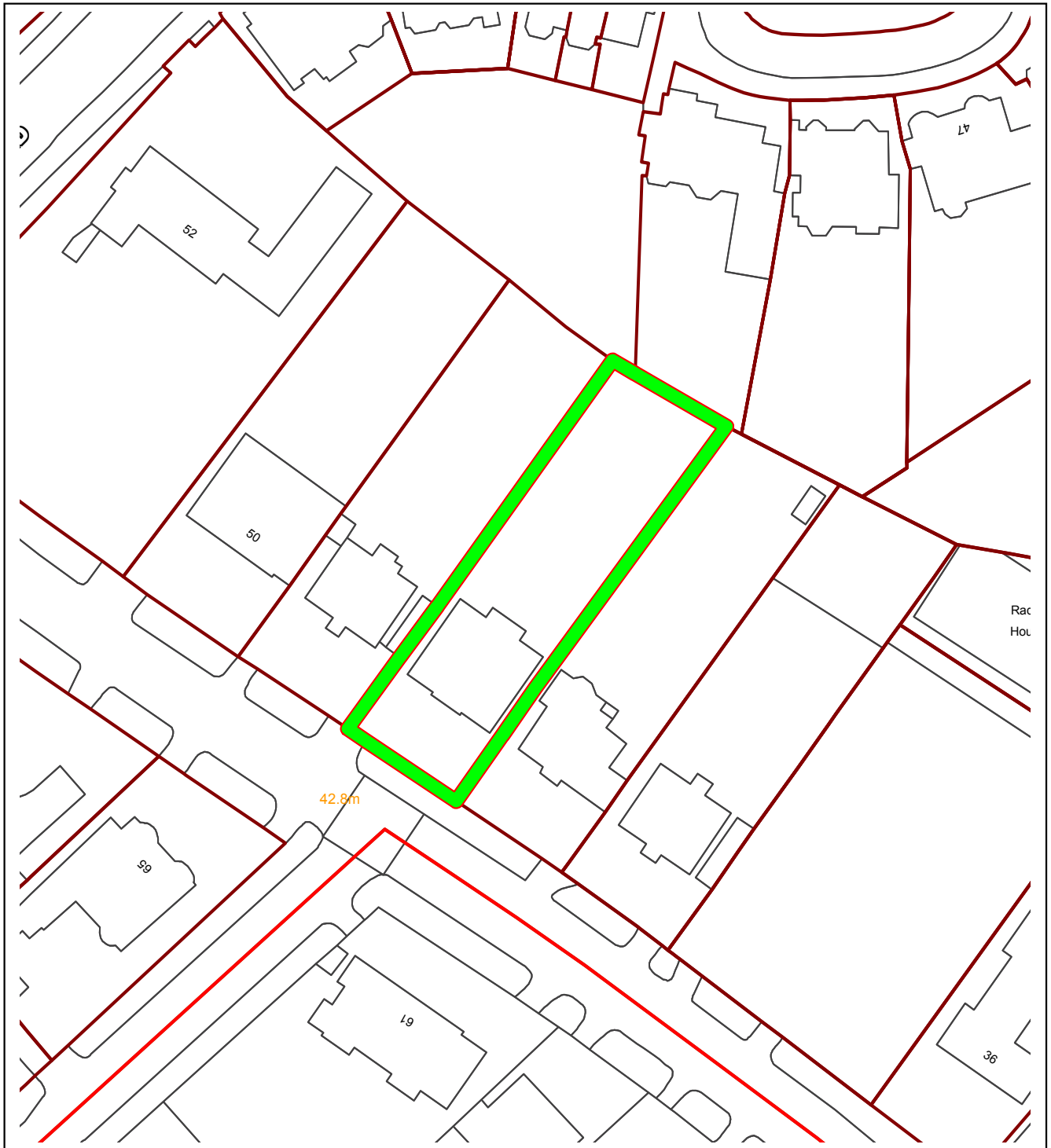


# 46 Avenue Road, NW8 6HS



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

Photographs of 46 Avenue Road



Rear garden showing the existing summer house



Rear elevation of the property

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>03/06/2014</b>	
		N/A		<b>Consultation Expiry Date:</b>		<b>06/05/2014</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Olivier Nelson				2014/2510/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
46 Avenue Road, London, NW8 6HS				Refer to draft decision notice.			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Extension to existing single storey basement below whole house to form two lightwells to front of property and construction of new two storey basement below garden with demolition and re-building of existing summer house.							
<b>Recommendation(s):</b>		<b>Grant planning permission</b>					
<b>Application Type:</b>		<b>Full Planning Permission</b>					
<b>Conditions or Reasons for Refusal:</b>		<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>12</b>	No. of responses No. electronic	<b>01</b> <b>01</b>	No. of objections	<b>01</b>
<b>Summary of consultation responses:</b>		Site Notice 23/04/2014 – 14/05/2014. Press Notice: 24/04/2014 – 15/05/2014.  Objection to the basement main issues of concern are as follows: <ul style="list-style-type: none"> <li>• Subsidence ( see paragraph 5.1 &amp; 5.2)</li> <li>• Excessive use of electricity – against Camden’s policy of conservation (proposal would have an excellent rating on Code for Sustainable Homes please see paragraph 6.1)</li> <li>• Noise pollution</li> <li>• Issues with traffic flow on Avenue Road due to HGV deliveries (Please see paragraphs 7.1 &amp; 7.2 )</li> <li>• Unnecessary development (please see paragraph 4)</li> </ul>					
<b>Elsworthy CAAC comments:</b>		<ul style="list-style-type: none"> <li>• Object to the proposed double basement and its consequent permanent devastation of the rear garden.</li> <li>• The proposals make no positive environmental contribution to the conservation area (please see paragraph 6.1)</li> </ul>					

- Will cause excessive light and noise pollution
- Will not conserve energy
- It's construction will be disruptive to neighbours and pedestrians and vehicular traffic in the area (Please see paragraphs 7.1 and 7.2)

### Site Description

The application relates to a substantial detached three-storey with basement dwellinghouse on the eastern side of Avenue Road at the junction with Norfolk Road. The property has a single-storey garden room/ plant house to the rear of the garden.

The site is located within the Elsworthy Conservation Area (CA). The building is identified as making a neutral contribution to the character and appearance of the CA.

### Relevant History

**December 2003** :Planning permission granted for installation of new sliding gates and wrought iron railings to front of property in association with creation of a new relocated vehicular entrance, ref. 2003/0933/P PERMISSION IMPLEMENTED.

**January 2004** :Details of mechanical air-conditioning plant on roof of property and other equipment pursuant to Condition 04 of planning permission PWX0202640 **approved**, ref. 2003/1413/P.

**March 2011** :The following application was withdrawn by the applicant: excavation to form extension to existing single storey basement below the house, creation of 2 lightwells to the front with balustrade and railings, one lightwell to rear, excavation of a 2 storey basement below rear garden to accommodate Gym, Sauna, and swimming pool and plant/storage rooms at lower basement level. Re-building of existing summer house with plant room at rear and landscaping of the rear garden to dwelling (Class C3), ref. 2010/6614/P.

*Withdrawn due to incomplete supporting information in respect of basement excavation.*

**March 2011**: Excavation to enlarge the existing single storey basement, including the formation of two new lightwells to front, and a new double storey basement to be excavated below the rear garden to accommodate gym, sauna, and swimming pool at upper basement level and plant/storage rooms at lower basement level, including the formation of one lightwell to the rear, and re-building of existing summer house with plant room at rear and landscaping of the rear garden to the single dwelling. **Granted Subject to a Section 106 Legal Agreement 30/03/2012 Ref. 2011/6067/P**

### Relevant policies

#### National Planning Policy Framework 2012

#### London Plan 2011

#### Camden LDF Core Strategy 2010

CS5 Managing the impact of growth and development

CS11 Promoting sustainable and efficient travel

CS13 Tackling climate change through promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

CS15 Protecting and improving our parks and open spaces and encouraging biodiversity

#### Camden Development Policies 2010

DP16 The transport implications of development

DP17 Walking, cycling and public transport

DP21 Development connecting to the highway network

DP22 Promoting sustainable design and construction

DP23 Water

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP27 Basements and lightwells

### **Camden Planning Guidance (updated 2013)**

CPG1 Design

CPG3 Sustainability

CPG4 Basements and Lightwells

CPG8 Planning Obligations

### **Elsworthy Conservation Area Character Appraisal**

## **Assessment**

### 1. Detailed Description of Proposed Development

1.1. The proposal is similar to the previously approved application **2011/6067/P**, the applicant has submitted a new application as the 2011 approval expires in March 2015 and they will not have the funds to carry out the development until late 2015. The only difference with this application is the addition of an BREEAM Eco Homes assessment. The reports and drawings have updated numbers for clarity. There will be no changes to the proposed basement design.

1.2. The applications proposes a basement at one storey to the front of the house and 2 storeys in the rear garden

1.3. The measurements for the basement area to the front of the house are as follows:

- 18.1m long, 10m wide towards the front garden and 8.1m wide closest to the main house
- Internal height 2.47m high

1.4. The measurements for the basement area within the rear garden are as follows:

- 32.3m long at both levels, 15.2m wide nearest to the original property and 14m wide towards the rear garden
- The internal height at upper basement level would be 2.8m high
- The internal height at lower basement level would be 2.4m high

### 2. **Assessment**

2.1 The principal considerations material to the determination of this application are:

- impact on the appearance of the building and the character and appearance of the CA;
- structural/ groundwater/ landscaping considerations; and
- transport.

#### Impact on the appearance of the building and the character and appearance of the CA

3. The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions to existing buildings are proposed. Policy DP25 'Conserving Camden's Heritage' states that within CAs, the Council will only grant permission for development that preserves or enhances the character and appearance of the CA.

4. There have been no changes to the design and the previously approved basement position

and height is considered acceptable to approve. The proposal would preserve and enhance the character and appearance of the CA and no concerns are raised in terms of design.

## 5. Update on Basement Impact Assessment

- 5.1 The proposed basement would be under the existing house and garden which has been assessed in the previous application. The updated report has shown that the previous estimates were likely to be conservative and ignores soil-structure interaction. Three borehole observations were made for the London Clay and they were consistent and there was no mobile groundwater. The report suggests that ground level in the garden area has been reduced over the years and has cut into the London Clay towards the north-east end of the proposed two storey basement.
- 5.2 The sources of ground movement may have the potential to affect the adjacent masonry structures of numbers 44 & 44 Avenue Road. The Ground Movement Assessment Report anticipates that the maximum ground settlement as a result of the works would be approximately 7.5mm. This would be at points immediately beside the excavated area. With regard to impact on structures there would be a maximum of 3mm ground movement at the side wall with 44 Avenue Road. There would be negligible vertical and horizontal movement from the works to the neighbouring property 48 Avenue Road. Significantly, the greatest impacts from the excavation on nearby properties would not be as a result of the rear garden basement but from the excavation under the house itself. The report anticipates that damage to the two closest structures 44 and 48 Avenue Road would be negligible and classifiable under Category 0 of the Burland scale, described in Camden Planning Guidance as comprising impacts such as "Hairline cracks of less than about 0.1mm". The anticipated impact of the excavation on the structure of neighbouring properties is acceptable. The basement has not been independently assessed it is the same as the previous scheme which was approved on the site.
- 5.3 For the reasons listed above the proposal is considered to be in accordance with Development Policy DP26 of the London Borough of Camden's Local Development Framework.

## 6. Eco-Homes

- 6.1 Development Plan policy DP22 promoting sustainable design and construction. The proposal has met the standard for the code for sustainable homes; it would achieve an Excellent rating after achieving 70.08 credits. The eco homes report clearly sets out how the categories can be achieved as well as the evidence which would be gathered. The scoring in Energy, Materials and Water equates 62.5%, 70.1% and 66.7% respectively. This is in line with Development Policy DP22.

## 7. Transport

- 7.1 The proposal would see the loss of the car lift pit which would have housed one car; this may impact on the local transport network. Although it is considered there is enough parking spaces on the forecourt to accommodate cars. Construction of the proposed development may have a detrimental effect on the condition of the adjacent footway as well as the local transport network. The excavation is significant and will require a considerable number of trips to the site to remove excavated soil. In order to control the construction process the applicant should provide a Construction

## Management Plan.

- 7.2 Construction of the proposed development is likely to have a detrimental effect on the condition of the adjacent footway. The applicant is therefore required to enter into a Section 106 Agreement in respect of repaving the footway outside the site on Avenue Road. As this section of road is maintained by Westminster City Council, the works will be undertaken by them on behalf of Camden Council. A CMP is required due to the significant excavation and the considerable number of trips which are likely to take place.

## 8. Community Infrastructure Levy

- 8.1 This proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as it includes an increase of more than 100 square metres. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge for this scheme, should it be approved would likely be £44,700 (£50 x 894 sqm). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, and subject to indexation in line with the construction costs index.

## 9. Recommendation

Grant conditional planning permission subject to a Section 106 legal agreement

**DISCLAIMER: Decision route to be decided by nominated members on Monday 7 July 2014. For further information please click here.**

BB Partnership LTD  
17 Remington Street  
London  
N1 8DHApplication Ref: **2014/2510/P**

03 July 2014

Dear Sir/Madam

**DRAFT**  
**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**Address:  
**46 Avenue Road**  
**London**  
**NW8 6HS**

## Proposal:

Extension to existing single storey basement below whole house to form two lightwells to front of property and construction of new two storey basement below garden with demolition and re-building of existing summer house.

Drawing Nos: EOQ-165 , EOQ- 170 Rev B, EOQ-180 Rev B, EOQ-181 Rev B, EOQ- 200 Rev B, EOQ-201 Rev B, EOQ-202 Rev B, EOQ-203 Rev B, Design &amp; Access Statement Rev B - BBP, Mechanical &amp; Electrical - Michael Popper, Acoustic - NVP, Basement Impact Assessment rev 04 - Edge Structures , Arboricultural report- TMA Consultants, Breeam - EB7, Photos Rev A

**DECISION**  
The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.



Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: EOQ-165 , EOQ- 170 Rev B, EOQ-180 Rev B, EOQ-181 Rev B, EOQ- 200 Rev B, EOQ-201 Rev B, EOQ-202 Rev B, EOQ-203 Rev B, Design & Access Statement Rev B - BBP, Mechanical & Electrical - Michael Popper, Acoustic - NVP, Basement Impact Assessment rev 04 - Edge Structures , Arboricultural report- TMA Consultants, Breeam - EB7, Photos Rev A

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 5 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, or prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season,

with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 6 All work shall be carried out in accordance with the relevant recommendations of British Standard 3998: 2010. (Recommendation for Tree Work)

Reason: To ensure the preservation of the amenity value and health of the tree(s).

# DRAFT

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate

**DRAFT**

**DECISION**